



IFW

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

3

Application Number

10/628,773

Filing Date

July 28, 2003

First Named Inventor

Norbert W. Bischofberger

Art Unit

1617

Examiner Name

Shobha Kantamneni

Attorney Docket Number

234.PC2

### ENCLOSURES (Check all that apply)

☐

Fee Transmittal Form

☐

Fee Attached

☒

Amendment/Reply

☐

After Final

☐

Affidavits/declaration(s)

☐

Extension of Time Request

☐

Express Abandonment Request

☐

Information Disclosure Statement

☐

Certified Copy of Priority Document(s)

☐

Reply to Missing Parts/  
Incomplete Application

☐

Reply to Missing Parts  
under 37 CFR 1.52 or 1.53

☐

Drawing(s)

☐

Licensing-related Papers

☐

Petition

☐

Petition to Convert to a  
Provisional Application

☐

Power of Attorney, Revocation

☐

Change of Correspondence Address

☐

Terminal Disclaimer

☐

Request for Refund

☐

CD, Number of CD(s) \_\_\_\_\_

☐ Landscape Table on CD

Remarks

☐

After Allowance Communication to TC

☐

Appeal Communication to Board  
of Appeals and Interferences

☐

Appeal Communication to TC  
(Appeal Notice, Brief, Reply Brief)

☐

Proprietary Information

☐

Status Letter

☒

Other Enclosure(s) (please identify  
below):

Return Receipt Postcard

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name

Gilead Sciences, Inc.

Signature

*Allan N. Kutzenco*

Printed name

Allan N. Kutzenco

Date

November 21, 2005

Reg. No.

38,945

### CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature

*Robin Torres*

Typed or printed name

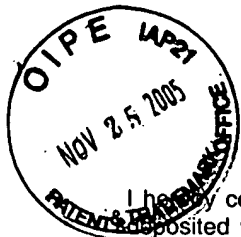
Robin Torres

Date

November 21, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Robin Torres

(Type or print name of person mailing paper)

Date: November 21, 2005

Robin Torres

(Signature of person mailing paper)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re PATENT APPLICATION of	)	Group Art Unit: 1617
	)	
Bischofberger et al.	)	Docket No. 234.PC2
	)	
Serial No: 10/628,773	)	Examiner: Shobha Kantamneni
	)	
Filed: July 28, 2003	)	
	)	
Title: NOVEL COMPOUNDS AND METHODS	)	
FOR SYNTHESIS AND THERAPY	)	

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

**RESPONSE TO RESTRICTION REQUIREMENT**

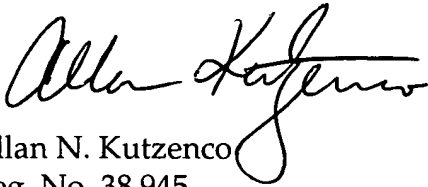
This is responsive to the Patent and Trademark Office Action mailed October 21, 2005.

Restriction was required between two inventions, that of claims 1-10 drawn to formulations (Group I), and claims 11-13 (Group II), drawn to methods of inhibiting neuraminidase.

Applicants elect the invention of Group I without traverse.

This application is now believed to be in condition for an action on the merits.

Respectfully submitted,



Allan N. Kutzenko  
Reg. No. 38,945  
Gilead Sciences, Inc.  
333 Lakeside Drive  
Foster City, CA 94404  
Telephone: (650) 522-6101  
Facsimile: (650) 522-5575

Date: 11-21-05